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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Danby Copithorne, pursuant to Commission resolution 2001/17

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Executive summary

In the past year the demand by the Iranian people for reform has continued to grow despite a variety of obstacles. A cornerstone of this reform has been the gradual emergence of an intolerance of violations of human rights, both those recognized internationally and those articulated in the Iranian Constitution.

Among the obstacles has been the continuing, sweeping suppression of the mainly reformist press, including the imprisonment of journalists. This has had a serious negative impact on the promotion of human rights in the country.

The status of women has improved only in the sense that the demands of women and their supporters are now out in the open. Legislated discrimination remains in the statutes and regulations, and the current legislature's efforts to change this have been blocked by conservative political elites. Patriarchal attitudes remain very much in evidence in such areas as domestic violence and in the resistance to women achieving leadership roles in the public and private sectors.

Change in the legal system remains excruciatingly slow. The abuse of persons in pre-trial detention in matters deemed to be of a political nature appears still to be widespread. The accepted norms of fair trial are frequently ignored. Many of the punishments are gross violations of international human rights norms, including in particular the use of stoning.

The treatment of intellectuals and dissidents, particularly by the security forces and the Judiciary, reveals a fearful intolerance of alternative views. The treatment of many of these persons is in violation of the Iranian Constitution and of generally accepted international standards, and in some cases is little short of vicious.

There would appear to have been little change in the official and societal discrimination faced by the religious and ethnic minorities. From time to time this treatment escalates into active persecution of some groups. For their part, the minorities are becoming more outspoken in their demands for reform.

In the economic sphere, inflation, unemployment and poverty are among the causes of the deteriorating social and economic condition of many Iranians. Iranian leaders seem to acknowledge the gravity of the problem but have been slow to address it as an urgent matter in economic as well as social terms.

I. INTRODUCTION

1. As this is the Special Representative's last report, he may perhaps be allowed to be more expansive, particularly in this Introduction. Iran is a country in transition. That process is strongly contested by a minority group of elites who believe that the sanctities of the revolution, which by definition includes religious ones, are in danger. Those advocating change believe that a system of government must change with the times or perish, and that the status quo is simply untenable. This of course is a classic contest between those who believe in constancy, that is in absolutism of values, and those who believe that values have to reflect time and place.

2. In the case of Iran this contest is in part a struggle of philosophy and the role of religion in government. Increasing numbers of Iranian intellectuals, including clerics at all levels, are arguing with persistence for what amounts to a separation of religion and State as the only way in which constancy can be maintained in matters of religion and change can be effected in secular matters. In the words of one young activist, "we do not want democracy to put aside religion, but we do not want democracy to be trampled on by people in religious clothing".

3. The transition process in Iran, which the Special Representative believes is inevitable, is made painful and costly by the absence of a tradition of peaceful consensus building. In the words of one Iranian scholar, "the political culture of Iranians is still under the influence of beliefs and norms of the era of kings - despotism and tyranny".

4. Added to this is the use of violence among some elements of society and its social cost. The Special Representative has earlier expressed the view that violence in Iranian society is deeply debilitating (E/CN.4/2001/39 of 16 January 2001, paras. 122-127). He deplores the use of religion as a justification of otherwise immoral acts, acts which trample on the human rights of other human beings. The resort to violence, whatever the cause, is deeply destructive of law and order, of the credibility of governance and of a budding civil society.

5. The emergence of the latter in Iran is long overdue. In the Special Representative's view, it's emergence has been pushed aside by the ongoing political struggle, by the uncertainty over whether Iran is a theocracy or a republic, and by a populace that is as yet too immature politically to have set up effective institutions that are independent of the State. The debate over the enactment of political rights legislation reflects these constraints. The objective was to define political offences and to establish rules for the treatment of political offenders. The bill was rejected by the Guardian Council on the grounds it was in conflict with Islamic law and with the Constitution.

6. Moreover, in the view of a number of commentators inside and outside the country, Iran must move to a post-revolutionary era, that is, it must address its political and economic problems as basically internal ones. It must abandon the rhetoric of the revolution and, in particular, stop blaming outsiders for its woes. Twenty-two years later, revolutionary truths are simply not adequate tools to meet Iran's many problems, not least of which is the need for a tolerant, diverse society.

7. Meanwhile, the mood of people appears to be despondent. One senior figure has declared, "people feel frustrated and disillusioned". This certainly seems to have been reflected in the disturbances in August in Sabzevar and in October in Tehran. The treatment of the mainly youthful offenders will suggest whether lessons have been learned.

8. On the other hand, it is clear that the human rights discourse in Iran is changing. In the last six years it has certainly become much more open in the media, in the Majilis and on the campuses. It is now possible to talk openly of interests of the individual as distinct from those of the State and of the need for institutionalized, truly independent machinery to protect the individual's interests in the face of an oppressive government.

9. It seems very clear to the Special Representative that the principal obstacle to reform, to the introduction and nourishment of a culture of human rights, is the Judiciary, its patrons and its supporters. By any estimate, this is a very small group in a country of 65 million people. It is a group that bears a heavy responsibility for the ongoing violations of human rights in Iran.

II. FREEDOM OF EXPRESSION

10. The suppression of various types of expression continued in the period under review. More newspapers and journals were banned or temporarily suspended; more journalists were detained. One such case is that of Reza Alijani, former editor-in-chief of the now banned *Iran-e-Farda*, who was reportedly held for 200 days in solitary confinement and permitted only one visit from his wife. His lawyer had access neither to him nor his dossier. On 29 November, Siamak Pourzand, a 73-year-old journalist and intellectual, and currently manager of the Tehran Cultural Centre, disappeared outside his home and is widely presumed to be detained by one of the security agencies. According to one usually reliable source, an estimated 17 journalists were in prison as of 28 November 2001. In addition, the press reports that a number of student journalists were arrested for such offences as blasphemy.

11. The banning of the press and the imprisonment of journalists continues to be effected by the official press court, often presided over by the notorious Said Mortazari (see para. 40), by the Special Court for the Clergy and by regular civil courts. In short, since the spring of 2000, it has been open season on journalists.

12. With regard to other sources of information, it is reported that 1,000 satellite dishes were seized in October 2001. In the first instance of its kind for some years, a film director, Tahmineh Milani, was charged recently by the Tehran Revolutionary Court with promoting counter-revolutionary objectives, that is, in the words of an official press release, "she has abused the arts as a tool for actions which will suit the taste of counter-revolutionary groups". The film concerned apparently had all the necessary bureaucratic approvals and had been publicly released. It had been financed by the relatively conservative Islamic Propagation Office.

13. It will be evident that the freedom of expression atmosphere in Iran has not improved since the Special Representative last reported to the Commission. Indeed, in the present circumstances, it is perhaps surprising how fearless the public discourse generally is. The Special Representative deplores the present situation and urges the Government to take steps to restore freedom of expression in the country.

III. THE STATUS OF WOMEN

14. Over the years, the Special Representative has frequently expressed his concern over the status of women in Iran. He has called upon the Government to tackle both the discriminatory norms in Iranian law and the patriarchal attitudes in society, the latter expressed perhaps most obviously in violence against women and in the difficulty faced by women in entering the work force in positions commensurate with their training. There has been little evident progress in either of these areas in the last six years.

15. With regard to the former, the social and political pressure for change in the law has been steadily growing. Women themselves have become more outspoken, as have reformists among the clerics, including at least one Grand Ayatollah. More broadly, the populace has spoken through those it has elected to the Majilis. Resistance seems to rest largely with a relatively small group of non-elected, male, political elites. In the year under review, this group has, among other things, refused to approve any of the female candidates nominated to run in the presidential election and refused to approve draft legislation to raise the minimum age of marriage, notably that of girls, which remains at nine years of age, in clear violation of the Convention on the Rights of the Child. The Special Representative has characterized the situation with regard to the marriage of girl children as a black spot on the reputation of the Islamic Republic and has called upon all branches of the Government to work together to bring new legislation into effect as quickly as possible (see A/56/278 of 10 August 2001, para. 19).

16. In July, a female member of the Majilis called for a major overhaul of legislation to give women the same rights as men. According to the press, she noted "A mother whose child needs an emergency operation in a hospital does not have the right to authorize it" even in the case of the father's absence or death. She also asked "why give the custody of a child to an 80-year-old grandfather and not to the young mother who has lost her husband?" Why indeed?

17. With regard to the physical and ver' al abuse of women, particularly in the family setting, the Special Representative has frequently called on the Government to take firmer action to address what is generally regarded as a widespread problem. In the Special Representative's opinion it is not enough for the Government simply to condemn the situation or to encourage women's NGOs to tackle it, or to write it off as a cultural issue that only time will cure. The establishment of crisis hot lines may help some of the women concerned but does nothing to cure the problem. The objective must be to make Iranian society as a whole intolerant of such conduct (see A/56/278, para. 18).

18. Another area in need of attention is the empowerment of women, specifically including them in senior management and professional positions in government and in the private sector. In the year under review, the touchstone issue was perhaps the widely expected appointment of

women to the second Khatami Government. The 12 women members of the Majilis prepared their own list of three women candidates for the cabinet. This was not to happen and, according to one press report, the President's plan to appoint women as education minister and as cooperatives minister was overruled by higher authority.

19. During the period under review, there were two events that could clearly be seen as efforts to constrain women who were advocating change. One was the arrest of a prominent female film maker, Tahmineh Milani, some of whose films deal with male chauvinism in the Iranian family, and who has been quoted in the press as declaring that feminism was a way of "salvation for women who are deprived of equal rights" (see also para. 12). The other case was the imposition of a 22-month prison sentence on a female member of the Majilis, Fatemeh Haqqiqatju. According to the press, she was found guilty of having, in a statement on the floor of the Majilis, misinterpreted the words of the founder of the republic, "propagated" against the establishment, and insulted the Guardian Council and the head of the Tehran Revolutionary Court.

20. The Special Representative is confident that pressure for change in the treatment of women from within the country will only increase and that for this reason alone the Government would be wise to act now.

IV. LEGAL SUBJECTS

A. Reform of the legal process

21. The Special Representative wishes to record that the long awaited bill on the reform of the Judiciary has finally reached the Majilis. At the time of preparation of this report, he has not seen a detailed description of the bill. However, according to press reports, it stipulates that exceptional tribunals like the revolutionary courts will be able to deal only with cases explicitly referred to them by law. Officials and military personnel will be tried only by Tehran's Criminal Courts. If this works out to be the case in practice, it will be a major improvement.

22. Meanwhile some judges continue to ignore a circular directive from the Head of the Judiciary on the treatment of detainees in pre-trial detention, the details of which were set out in last year's report to the Commission (E/CN.4/2001/39 of 16 January, para. 31). In the case of journalist Taqi Rahman, for example, his family reports he had been in solitary confinement for six months up to 26 August 2001, with only one family visit and no telephone contact. Similar treatment was accorded to a number of the Religious Nationalist/Freedom Movement detainees (see paras. 54-55). The Special Representative chooses not to question the good faith of the Head of the Judiciary in issuing his circular instruction, but does question his willingness or else his ability to enforce it.

B. The prisons

23. Prisons in Iran continue to be a subject of concern and controversy. The press reported a statement by the head of the National Prisons Organization that there were about 160,000 inmates of whom about two thirds were in prison for drug-related offences, that

most of the inmates were aged between 22 and 38, and that 5,000 were women. Moreover, the prison population had increased over 40 per cent in the previous year, and the prisons were now housing more than 100,000 inmates beyond their capacity. Some commentators have questioned whether the figure of 160,000 includes the inmates of the detention centres run by many of the security agencies which were supposed to have been integrated with the National Prisons Organization; this has not yet been effected according to the evidence reaching the Special Representative.

24. The dominant feature of Iranian prisons is their overcrowding and in the period under review this seems to have had the inevitable results of prison disturbances on the one hand and breakouts on the other. The Special Representative has reported in the past on some of the prescriptions for overcrowding. The main thrust of current plans seems to be a parallel system of camps for drug related offences, to be located in remote parts of the country. The Director of the Prisons Organization reports that eight such camps are now in existence. The abuse of persons in detention is referred to in other sections of this report (paras. 43 and 56). The Special Representative wishes to draw the attention of the Government and particularly the Judiciary and the National Prisons Organization to the provisions of the Standard Minimum Rules for the Treatment of Prisoners" (adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders), the Body of Principles for the Protection of All Prisons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173 of 9 December 1988) and the Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/11 of 14 December 1990).

C. Punishments

Public punishment

25. In late July 2001, a drive was begun by the law enforcement agencies against what was seen to be immoral behaviour. The target groups were chiefly young people in Tehran, the most often declared offence being the consumption of alcohol. The punishment was typically 70 or 80 lashes administered in public. The Interior Minister for his part condemned the public flogging of young people, noting that public whipping in this day and age has serious political and social consequences. The Tehran Security Council attempted to limit the use of public punishment by declaring that all court orders to this effect would have to be reviewed by it. A spokesman said that the Council believed that public punishment not only failed to contribute to the prevention of crime but in fact had negative social consequences in that it created a sense of melancholy in people and promoted the idea that laws were opposed to the interests of the people.

26. The Head of the Judiciary defended the use of public punishment, arguing that people should have the right to see those violating the laws and Islamic sanctities being punished before their eyes. This provoked a major public controversy, in the course of which the President condemned such action.

27. Among the arguments used by the proponents of public punishment was that it would "boost security", that it was a means of deterring rising criminality and breaches of Islamic teaching, that "it would teach a lesson to the public", that "it would be a deterrent" and that "pressure is needed for keeping order in a society". However, some critics pointed out that it terrified only ordinary citizens, not criminals. One young bystander was quoted in the press as declaring he had "seen things which make me want to leave this country".

28. Towards mid-September the use of public floggings in Tehran appeared to die down somewhat but reports of public floggings in the provinces continued at least until the end of October. An international NGO recorded some 270 floggings to 22 October 2001, with some of the victims being as young as 14.

29. The same NGO had recorded 125 executions to 29 October 2001. The best information available to the Special Representative is that close to 20 public executions occurred in the two months to the end of August. One of these, very unusually, was of a woman convicted of murder.

30. The Special Representative has expressed to the Government his concern over the apparent rise in flogging and execution, over the public application of such punishments and over their apparent application in some cases to minors (see annex VI, para. 11).

Torture and other cruel, inhuman or degrading treatment or punishment

31. With regard to the use of torture in the prison system, the Special Representative notes what could become the first serious step to deal with this black spot on the Iranian legal system and, incidentally, to enforce the constitutional ban on such action. According to the press, in late November a substantial majority of Majilis members signed a petition identifying a number of acts of torture that occur during the interrogation of prisoners, calling for the creation of a council of representatives of the judiciary, the legislature and the executive to supervise the treatment of prisoners, with the right to visit places of detention at any time and the duty to report any act of torture to the heads of the three branches of Government. Finally, the Special Representative would remind the Government of Commission resolution 2001/62 of 25 April 2001 on the subject of torture.

32. The Special Representative has made several representations concerning the apparent recommencing of stoning after several years without reports of such punishment. There was also a report in the press of the public decapitation of an Afghan for armed robbery, multiple rape and kidnapping.

33. The Special Representative condemns the use of these punishments. He recommends that the death penalty be used only in accordance with the conditions laid down in article 6 of the International Covenant on Civil and Political Rights and by the Commission on Human Rights in its resolution 2001/68 of 25 April 2001, that flogging, a punishment, generally recognized to be cruel, inhuman or degrading, be discontinued, and that public punishment generally recognized to be at the least a process that demeans and humiliates the victim, be discontinued.

Diyah

34. The concept of diyah is a complex one and the Special Representative treads in this area with reluctance. His attention is attracted to two features of diyah as it is practised in Iran. The first is that murder appears to fall under qasas or retribution (*lex talionis*), which seems to be in effect as Islamic private criminal law. It is understood that the relatives of the victim can pardon the murderer or demand the payment of diyah (blood money) instead. However, where the perpetrator is a male and the victim was a female, it is the relatives of the victim that have to pay to the perpetrator half the appropriate diyah for the offence before exacting revenge, that is before the murderer is executed. If this is a correct understanding of diyah, the Special Representative finds it very strange indeed.

35. It is noted that qasas openly discriminates between men and women (arts. 209, 210 and 300, Third and Fourth Books, the Islamic Punishment Code). In addition, the Special Representative is informed that, in practice, where the victim is a non-Muslim, there is no diyah.

36. The Special Representative understands that while the practice of diyah is widespread in Muslim societies, not all of them discriminate on the basis of sex or religion (see annex I). In Iran, some senior clerics such as Ayatollah Saanee are reported to be arguing now that there should be no distinction in diyah between men and women.

37. The Special Representative urges the Government to abolish discrimination on the basis of sex or religion.

D. Lawyers and judges

38. Lawyers in Iran continue to be under pressure if they defend clients unpopular with some of the elite. During the period under review, several more were summoned by the Judiciary, apparently for remarks they had made, typically remarks critical of the Judiciary. For example, Mohmoud Alizadeh Tabatabai, whose clients had accused the police of torture, was sentenced to eight months in prison for "defaming" a former police chief. Nasser Zarafchan, a lawyer for family members in the serial murders case, is being sued for "revealing" flaws in the verdict of that trial.

39. In this context, the Special Representative recalls Commission resolution 2001/39 of 23 April 2000, and the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders and welcomed by the General Assembly in resolution 45/166 of 18 December 1990. The Special Representative urges the Government to respect international standards with regard to the status of lawyers.

40. Some judges continue to violate the human rights of detainees, particularly in the pre-trial stage (see the Special Representative's interim report to the General Assembly A/56/278, para. 25). The Special Representative notes that the name of Said Mortazari continues to show up in press stories about the most egregious conduct of the Judiciary (see para. 11). The Special Representative recalls being told by a senior Judiciary official that Mortazari was one of 40 judges being investigated by the Disciplinary Court for Judges. Meanwhile, however, he

continues to wreak havoc with such rights as freedom of expression. The Special Representative recommends that Judge Mortazari be immediately suspended from the bench, pending a decision on his case by the Disciplinary Court for Judges.

V. STATUS OF INTELLECTUALS AND OF STUDENT, RELIGIOUS AND POLITICAL DISSIDENTS

A. Student unrest

41. Campus political activism grew in the run-up to the June presidential election. There was an evident tone of anger and despondency. This continued up to the second anniversary, on 9 July, of the 1999 student disturbances. For that occasion, the law enforcement agencies and the vigilante Ansar-i Hizbullah were out in force. The press reported that 85 persons had been arrested.

42. In the period since then other student arrests have been reported in the press. In August new charges were reportedly brought against Ali Afshari, a student activist who had attended the Berlin Conference (see paras. 52-53) and who since his arrest in December 2000, and notwithstanding his purported confession on television, had reportedly been held in solitary confinement until his recent release on bail.

43. Also during this period, two accounts of gross mistreatment of students in prison became public. One reached the Special Representative in the form of a "public letter" and the other is reportedly posted on the web. The former is yet another account of prolonged torture in Towhid and other prisons.

44. In mid-November the Special Representative received a list of 19 imprisoned students, 9 of whom have been detained since the July 1999 student disturbances. Only in some of the cases is the place of detention known. In other cases the students are listed as "abducted", "whereabouts unknown" (see annex V). Four of them in Evin are reported to have begun a hunger strike.

B. Religious dissidents

45. One of the most awkward groups of dissidents for the Government to handle are members of the ulema, that is Islamic clerics. The treatment of one of the most visible of these, Hassan Yousefi-Eshkevari, was covered in the Special Representative's interim report to the General Assembly (A/56/278, para. 51). He is apparently still in prison.

46. The most eminent of the dissenters, Grand Ayatollah Hossein-Ali Montazeri, was very much present, in spirit at least, throughout the year. Despite being under house arrest, he managed to make public his memoirs in December 2000, which confirmed important details of some of the blackest events in the history of the Islamic Republic, such as the mass executions of political prisoners. Shortly after their publication, Mortazeri's eldest son was detained and as of July, while no charges had been laid he was still in custody.

47. In an interview with a foreign journal in July, Montazeri reiterated his opposition to the present form of government. "The concentration of powers in the hands of a single person is not acceptable and must not be accepted. If the leadership does not change its behaviour radically, there is no future for the religious Government." Shortly after that, Montazeri's son-in-law and three of his associates were picked up by agents of the Special Clerical Court and, according to a member of the family, the following day agents welded shut the doors of Montazeri's office. There continue to be public calls for his rehabilitation.

48. Clearly, there is little appetite to recognize freedom of expression when the subject matter is the nature of government in the Islamic Republic, and the critics are clerics.

C. The serial murders trial

49. The Special Representative has been reporting these grisly events of late 1998 and early 1999 because they constituted a vicious violation of the rights of a group of political activists and intellectuals whose views were apparently not to the taste of important persons. The convictions of 15 persons, the so-called rogue elements in the Ministry of Information (Intelligence), as well as the apparent tone of the judgement were described in the Special Representative's interim report to the General Assembly (A/56/278, paras. 48-50). In that report he also noted the apparently widespread view that the trial was a cover-up and that the real motives behind the killings, as well as the likely knowledge of them of senior figures, had yet to be revealed.

50. In August 2001, the Supreme Court ordered a new trial for those convicted, apparently without giving reasons for its action. This came after the Minister of Information (Intelligence) was quoted in the press as characterizing these murders as "insignificant mistakes", adding that "the people have forgiven " those concerned. In the view of the Special Representative, taking anyone's life, not least when the act is politically motivated, can never be characterized as insignificant. The Minister's comments are surely an insult to the memory of the victims and to their family members. They also reflect an appalling disrespect for the most basic of human rights, the right to life, and by a member of the Government at that.

51. The families for their part have been profoundly dissatisfied with the legal process up to now. Their lawyer is quoted in the press as stating he would participate in the new trial only if he and his colleagues were given complete access to all the relevant files. The Special Representative urges the Government to ensure that the retrial is an open one and that the lawyers for the families are given complete access to the files.

D. The Berlin Conference trial

52. The Special Representative has reported extensively on this matter, which is the trial of 15 Iranian participants in what essentially was an academic conference in Berlin in April 2000. See, in particular, his report to the Commission at its 2001 session (E/CN.4/2001/39, paras. 88-94) and his interim report to the General Assembly at its latest session (A/56/278, paras. 53-57). In the latter report, the Special Representative recorded an

unequivocal undertaking given to him by a senior Judiciary official that action would be taken to vacate all 13 of the judgements rendered in this case. To the Special Representative's knowledge, this has not happened. Indeed, two of the defendants, Said Sadr and Khalil Rostamkhani, apparently facing other charges as well, have had their sentences upheld in one case and reduced by one year in the other. Both are reportedly now in Evin prison. Another defendant in this case, Ezzatollah Sahabi, a 70-year-old journalist, also remains in prison, according to his family in solitary confinement despite failing health.

53. While acknowledging that the reduction on appeal of the prison sentences of Akbar Ganji, Ezzatollah Sahabi and Ali Afshari, as well as the commutation of the prison terms of Mehrgangiz Kar and Shahla Lahidji to fines, are steps in the right direction, the Special Representative again calls on the Government to respect the commitment made to him that all sentences rendered in this case will be vacated and those in jail will be released.

E. Detention of religious-nationalist and Freedom Movement of Iran activists

54. In his interim report to the General Assembly (A/56/278, paras. 58-64), the Special Representative reported on this matter in some detail. In summary, some 60 members of two groups, generally described as the religious-nationalist and Freedom Movement activists, were detained in March and April 2001. Some were immediately released, some were gradually released on bail and some were denied bail, and of those, some were kept in solitary confinement. The Special Representative has made a number of representations with regard to this group, in particular that some were elderly, that some required urgent medical treatment and that those in solitary confinement should be returned to ordinary cells. The Special Representative received a commitment in early July that all those still in prison would be released on bail within several weeks. In fact, as of the preparation of this report in early December 2001, some are still in jail and in solitary confinement.

55. The Special Representative has already made clear his view that the treatment of these individuals has been scandalous and a violation both of the Head of the Judiciary's instruction to judges concerning the treatment of persons in pre-trial detention and of the United Nations guidelines for the treatment of such persons. The Special Representative renews this condemnation, particularly as it applies to detaining persons without bail for more than 30 days, holding these persons in solitary confinement for some eight months, failing to allow ailing detainees to have medical attention and, in some cases, to denying them the prescribed medicines for pre-existing medical regimes, refusing regular access from the date of detention to the detainees by family members and lawyers, and for refusing to allow the presence of lawyers during interrogation. The Special Representative deeply deplores the unwillingness or inability of Iranian leaders to ameliorate the circumstances under which these persons were and in some cases are still being held.

56. Three other persons were arrested in August and September 2001 apparently because of their connections with the Freedom Movement and some of its members. Another individual, a journalist, was sentenced to six months in jail and 50 lashes, seemingly for publishing an account of an interview she had had with the head of the Freedom Movement.

57. On 12 November 2001 the trial began in the Revolutionary Court of some 30 of these persons, primarily it would seem members of the Freedom Movement. The trial is being held behind closed doors with even family members being barred. The ostensible reasons are that:

The charges concern national security;

Publicizing the hearings would "disrupt security and public order";

Remarks concerning senior leaders "would hurt religious feelings".

58. The Special Representative has made representations about the fairness of the procedure, focusing in particular on the closed nature of the trial and the lack of access of lawyers to those not on bail and to the files of all those on trial.

59. In early December 2001, the Majilis condemned the trial, particularly targeting the conditions of detention, the fact that the trial was being held behind closed doors and what were described as "the unjust and unconventional conditions surrounding the hearings". Neither specificities of the acts complained of nor the offences alleged on the basis of those acts have been made public as of early December, eight months after the arrest of the defendants.

60. The Special Representative considers himself obliged to note the embarrassment faced by the President, who has openly denounced these trials, as well as, hopefully, by the Head of Judiciary who, in the view of the Special Representative, must take responsibility for the integrity of the judicial system.

VI. DEMOCRATIC GOVERNANCE

61. In the period under review, tension between the elected and unelected branches of government increased. At least four members of the Majilis were sentenced to prison, in one case for "libelling and slandering Iran's judicial system" in a speech in the Majilis. According to the press, some 60 members of the Majilis have been summoned by the Judiciary, mostly to answer for critical public remarks. The President intervened in the matter of the members sentenced to prison with a letter to the Head of the Judiciary pointing out that, according to the Constitution, members were immune from prosecution for remarks made in the Majilis. In response to a fairly dismissive response by the Head of the Judiciary, the President declared he had a constitutional right to warn the Judiciary to respect freedom of expression.

62. Also in this period, there was a change in the composition of the Guardian Council, which vets legislation put forward by the Majilis as well as vetting candidates for election to the major elected bodies such as the Majilis. The appointment of 6 of the 12 members of the Guardian Council is subject to Majilis approval. The Majilis attempted to impose conditions that the candidates would have to meet and to establish the right of the Majilis to reject the Judiciary's nominees. In the event, through what the press described as a voting "manoeuvre", the Judiciary's nominees were approved. This attempt to make one of the important centres of power somewhat accountable thus failed.

63. In August 2001, the Majlis committee looking into the treatment of detainees reported that the Judiciary had committed "multiple violations of the most basic rights of prisoners". In particular, the report criticized "the conditions of detention, the isolation of prisoners in individual cells", and the lack of access to lawyers and families.

64. In short, Iran's road to democratic governance continued to be a rocky one, with powerful forces working to constrain the will of the people.

VII. STATUS OF MINORITIES

A. Introduction

65. In his last several reports the Special Representative has been urging the Government to establish a national minorities policy. In this report he wishes to place this initiative within the international context. To begin with, the Special Representative would refer to Commission resolution 2001/55 of 24 April 2001,which "reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities". The Special Representative notes that this resolution was adopted without a vote. In this regard, he would also draw attention to the UNESCO Universal Declaration on Cultural Diversity, adopted by the General Conference of UNESCO on 2 November 2001.

66. The Special Representative believes there can be no doubt that the treatment of minorities in Iran does not meet the norms set out in the Declaration on Minorities or in article 27 of the International Covenant on Civil and Political Rights. See in this regard the concluding observation of the Committee on Economic, Social and Cultural Rights, following its examination of the initial report of Iran, that the treatment of minorities in Iran is one of its "principal subjects of concern" (E/C.12/1993/7 of 9 June 1993). The Special Representative takes note of the writings on this subject of one distinguished Iranian legal scholar that the Iranian Constitution, in articles 15, 19 and 20 and elsewhere, in part expressly, in part implicitly clearly establishes the right of all Iranians to equality and fair treatment, and that this right has not been implemented in practice. The Government must commit itself to addressing urgently the status of minorities in Iran as a whole and to bringing the conduct of Iran in this regard into line with recognized international standards, as well as with the Iranian Constitution.

67. The Special Representative hears frequent reference to what is described as the Government's implicit policy of assimilation. It is asserted that such a policy was introduced first by Reza Shah, prior to which time Iran had been in practice a multicultural society. The Special Representative has earlier observed that the original draft of the 1979 Constitution did acknowledge that Iran was a multicultural nation in naming the main ethnic groups that made up the country. He would also note that as seen in the 1995 Copenhagen Declaration of the World Summit for Social Development, the right to be free from attempts at assimilation is emerging as an international norm.

68. The Special Representative believes that at the first level the rights of minorities consist not only in the right to be free from discrimination but, put more positively, that there is now an obligation upon Governments to protect minorities against discrimination and procedural unfairness. At a second level are certain positive rights, such as the use of minority languages in education and the media, and basic civil and political rights such as fair trial, freedom of expression and freedom of assembly and of association. The Special Representative draws particular attention to the provisions of the Declaration on Minorities in this regard.

69. Information reaching the Special Representative suggests that very little meaningful action is being undertaken by the Government to this end. The use of minority languages in the media is sporadic rather than substantive; the use of minority languages in the educational system seems minimal.

70. Finally, the Special Representative has referred to the need to involve the minorities themselves in the preparation of a national minority policy, a right articulated in the Declaration on Minorities. Whether or not it is accurate to characterize the prevailing atmosphere as one of Persian chauvinism, as some minority activists suggest, it is clear that the situation is discriminatory in many respects, as well as being incompatible with existing and emerging international norms. The Government necessarily bears heavy responsibilities in this regard and needs to make an urgent start on a national minority policy. For his part, the President is quoted as declaring that "Iran belongs to all Iranians".

B. Religious minorities

71. In recent reports (for example A/56/278 of 10 August 2001) the Special Representative has noted the establishment of the National Committee for the Promotion of the Rights of Religious Minorities. There are many issues this Committee needs to address, including that of diyah (see paras. 34-37) and the refusal to accept the devolution of property by inheritance to non-Muslims, where there are Muslim beneficiaries. The Special Representative awaits a report that this Committee is in fact functioning.

Sunnis

72. In earlier reports, the Special Representative has described the complaints of the Sunnis about the discrimination they face (see for example his interim report to the General Assembly A/56/278, paras. 74-75). He would recall his earlier comment that underdevelopment seems to coincide with those areas of the country in which Sunnis are in the majority.

73. The Special Representative has now received an allegation of Government control over Sunni theological teaching in Kurdistan through an organization called "Great Islamic Centre in the West", located in Sanandaj. All Sunni students reportedly have to register with the Centre and the Government determines the place of teaching, the subjects, the number of students and the salaries of the teachers. Such matters should clearly be in the hands of the Sunnis themselves.

Baha'is

74. It has been possible in the past year or so to discern some hopeful signs concerning the treatment of the unrecognized minorities, especially the Baha'is. These signs have included the commutation of death sentences (see annex II), the release of prisoners and the 1999 decision of the Expediency Council declaring that "all Iranians enjoy the rights of citizenship irrespective of their belief", followed by measures removing the requirement of declaring one's religious affiliation when registering a marriage or the birth of a child or applying for a passport overseas. The Special Representative also welcomes the statements by Iranian representatives in international forums (the International Labour Organization, June 2000, and the Committee on the Rights of the Child, May 2000), that their Government is concerned to provide for the rights of all citizens, including those who are members of non-recognized minorities.

75. However, no further progress has come to the Special Representative's attention. He understands that the Baha'i community continues to be subject to harassment and discrimination in the areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities. Seven members of the Baha'i community remain in prison, apparently because of their faith, and Baha'i property continues to be subject to confiscation (see annex II).

76. In his interim report to the General Assembly (A/56/278, paras. 76-78), the Special Representative reported that, as a complex has been built over the old Baha'i cemetery in Tehran, the Iranian authorities had allotted other land for this purpose. It is now reported that the land offered is in fact wasteland, with no access to water. Further, the community has been denied permission to mark individual graves or to construct mortuary facilities.

77. Also of concern is the sentence issued by a judge of the Supreme Office of Control and Review, Hamzih Khalili, on 15 September 2001, in the context of an appeal by the Muslim owners of property rented to the Baha'is that was confiscated in 1998. According to an unofficial translation to which the Special Representative has had access, the verdict declares that the "seizure and confiscation of the properties belonging to the misguided sect of Baha'ism is legally and religiously justifiable" and states that "the cultural activities of the misguided sect of Baha'ism - as prescribed by the order of His Excellency the Supreme Leader - do need to be seriously opposed". This would seem to indicate that the 1991 memorandum on "The Baha'i Question", issued by the Supreme Revolutionary Cultural Council and approved by the Supreme Leader, is still in force and therefore that discrimination against Baha'is continues to be official practice, a situation the Special Representative deeply deplores.

78. The Special Representative wishes to reiterate his appeal to the Government of Iran to implement his outstanding recommendations (A/53/423 of 23 September 1998, para. 45), as well as those of the Special Rapporteur on religious intolerance (see E/CN.4/1996/95/Add.2 of 9 February 1996).

Christians

79. It is difficult to obtain a reliable estimate of the number of Christians in Iran. A major complication is the mixing of ethnicity with religious affiliation. Estimates of the non-ethnic Christians, that is, leaving aside the Armenians and Assyrians, vary from several thousand to as

high as 15,000. The Armenians and Assyrians are recognized as official religious minorities, that is, as Christians. It is a status that assigns them, along with the Jews and the Zoroastrians, second-class citizenship.

80. However, their lot is considerably better than that of the unrecognized, that is, the non-ethnic Christians. These are those groups of Christians who are for the most part ethnic Persians. Evangelical Christians such as members of the Assemblies of God have been harshly persecuted over the years, apparently on the grounds that they have been or might be proselytizing. Some of them are said to have been convicted of apostasy. Some have been sentenced to death and a few have been executed. The Special Representative has been informed that only three small Persian-speaking churches may remain in operation and that they have had to agree not to evangelize Muslims. The printing of Christian literature is prohibited and Christian bookstores are banned. A number of Christian activists have reportedly fled the country.

81. In the Special Representative's opinion, the situation of the Christians, particularly the non-ethnic Christians, does not seem to have improved since the 1996 report of the Special Rapporteur on religious intolerance on his visit to Iran (E/CN.4/1996/95/Add.2). The Special Representative again calls on the Government to implement the recommendations of the Special Rapporteur on religious intolerance.

Yaresan

82. In the south of the area inhabited by the Kurds, there is a little known community called variously the Yaresan or "Al Haq". According to one scholarly writer, the Yaresan are Kurds who practise an apparent form of Zoroastrianism or Yezidism (the only uniquely Kurdish religion), but are labelled Muslems because they adopted several superficial features, including veneration of Ali, the fourth Caliph.

83. The Special Representative has received representations from members of this community concerning local discrimination, both official and social, apparently based on their religion.

84. The Special Representative has received only limited first-hand evidence of the treatment of this community. However, its existence seems to be widely accepted and its treatment to be consistent with the evidence he has received from other non-Shi'ah communities. The Special Representative urges the Government to recognize the existence of the Yaresan, to prevent discriminatory practices against them and to include their representatives in the National Religious Minorities Commission.

C. Ethnic minorities

The Azeris

85. The Azerbaijan Turkic-speaking people of Iran (the Azeris) are recognized as the largest ethnic minority and may indeed be the largest ethnic group in the country. It appears to be accepted that about 12 million of them live in the north-west and that in the country as a whole

there may be as many as 30 million. It is asserted that the Azeris have lived on the Iranian plateau for thousands of years and that they predate the entry of Persian tribes to the area.

86. The complaints brought to the Special Representative concern the use of the Azeri language and that the unwelcome prospect of Azeri cultural assimilation is accelerating (see annex III). More particularly, Azeris are asking for the teaching of "proper" Azerbaijani Turkish along side Persian in schools in regions predominantly inhabited by Azeris, production in and the broadcasting of "proper" Azerbaijani Turkish on radio and television, the allocation of one television channel for Turkish language broadcasting, the creation of schools of Azerbaijan Turkish language and literature at universities throughout Iran (it is noted that while Azerbaijani Turkish is not taught at the University of Tabriz, seven other languages are taught) and the facilitation of the creation of Azerbaijani Turkish cultural centres.

87. The representations reaching the Special Representative also refer to harassment and imprisonment of Azeri cultural activists, such as Dr. Mehmud Ali Chehregani, whose circumstances were described by the Special Representative in earlier reports and whose imprisonment was the subject of urgent representations by the Special Representative to the Government. He has since been released. The Special Representative has received copies of open letters to the President signed by various groups of Azeri personalities, such as members of the Majilis and writers and poets, demanding fair treatment for Azeri culture. Their letters have taken the President to task for unimplemented campaign promises on cultural freedom; they complain of "cultural and ethnic insults and humiliation" from government media sources and they invoke article 15 and article 19 of the Constitution.

The Kurds

88. The Special Representative has in several reports discussed the status of the Kurds. He recognizes the difficulty of capturing the real situation in such matters as the treatment of minorities without access to the regions concerned. The challenge of distinguishing local incidents from broader trends may be also more formidable in this context.

89. In his interim report to the General Assembly (A/56/278, paras. 82-84), the Special Representative identified a number of indictors that conditions may be improving for the Kurds. More recent information suggests that on balance, discrimination and repression continue to exist. A number of specific allegations are set out in annex IV.

90. In the political sphere, perhaps the most dramatic event was the attempted, and in the event withdrawn, collective resignation in October 2001 of all six members of the Majilis from the province of Kurdistan. In a letter to the Interior Minister, the six said "unfortunately, Kurdistan province and the Kurds, especially Sunnis, are denied their legitimate rights, and executive officials are turning their backs to calls for justice on the political, economic, cultural and social issues they have brought out". Late in 2000, a Kurdish member of the Majilis had publicly alleged the existence of "a campaign of repression and serial killings" against the Kurdish community.

VIII. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Employment

91. In the period under review the scarcity of jobs and the treatment of workers continued to draw public attention. While a senior government official declared that unemployment had declined to 13.7 per cent between March and July 2001, the press was sceptical. In June, one paper declared that, given the immense number of hidden, seasonal or unregistered jobless people, "independent experts believe the unemployment rate to be over 25 per cent." The press continues to carry frequent stories of unpaid salaries, sometimes stretching over many months. Other stories report workers being laid off, in some cases in very large numbers, and sometimes being replaced by workers from contract companies. There were also reports that some employers were resorting to short-term contracts in order to avoid making worker insurance payments. In October, the press carried a report of a demonstration of some 10,000 unpaid textile workers in Isfahan worried that a recent bill passed by the Majilis would reduce the number of textile enterprises and thus the need for textile workers.

92. ILO is planning to conduct an assessment mission in February 2002 to develop a project in the area of employment creation for women.

93. The President, for his part, continues to express concern about the employment situation. In October 2001 he told the Majilis that 42 per cent of the mostly young people seeking jobs could not find them. The Special Representative is concerned at the Government's generally modest efforts to address what is one of Iran's most serious economic problems, one that carries a devastating social and human cost.

IX. OTHER IMPORTANT ISSUES

A. National human rights bodies

94. In November 2001, UNDP/Tehran signed a project document with the Islamic Human Rights Commission (IHRC) of Iran to strengthen the human resources and infrastructural capacities of the institution. UNDP will support 14 courses on promotion and protection of human rights for 1,600 human rights defenders in different cities of the country. The project will also support the Commission's capacity to build networks through the development of a computerized roster of contacts.

95. The Special Representative has received no recent reports on the Commission's activities. Accordingly, his latest comments are those contained in his interim report to the General Assembly (A/56/278, paras. 99-102).

B. The status of children

96. In his previous report to the Commission (E/CN.4/2001/39, paras. 108-116), the Special Representative devoted a section to the rights of the child and reported on the recommendations made by the Committee on the Rights of the Child (see CRC/C/15/Add.123) after its examination of the initial report of Iran in May 2000.

97. There continue to be positive developments in the area of juvenile justice. The Special Representative is informed that a committee was established in February 2001 to draft a new juvenile justice legislation. Over the past two years, all juvenile judges have been given training on the Convention on the Rights of the Child and on the relevant international instruments on juvenile justice. Social workers from the National Prisons Organization have participated in such courses. There are now examples of alternative sentences being issued by juvenile judges in some provinces.

98. The Special Representative would note that there reportedly remain on the books two invidious provisions concerning children and the criminal law. One sets the age of penal responsibility at the age of puberty, 9 years for girls and 15 years for boys, which means that young people can face adult punishments. The second is that an adult who kills a minor is subject to the death penalty unless the accused is the father or grandfather of the victim, in which case the accused is subject only to the payment of diyah. The Special Representative trusts that the promised new Juvenile Justice Act will amend both of these provisions.

99. According to Iranian press reports, a representative of the State Welfare Organization stated in November 2001 that "one hundred and fifty children end up in Iranian courts every day for being harassed by their families". According to the same report, statistics would seem to indicate that child harassment is on the rise in the country. It is reported that the drafting of a Child Protection Act is under way. This follows the recent submission to the Majilis by the State Welfare Organization of a plan for the protection of abused children. The Special Representative welcomes these measures, which he deems urgent.

100. There continue to be reports of important numbers of Iranian children working illegally in workshops and factories. In October 2001, the Majilis adopted a law which calls for the punishment of those who violate the provisions of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour (ILO No. 182). The law has now been approved by the Guardian Council.

C. Drugs

101. The Government of Iran is now openly recognizing the extent of the social problem generated by drugs in the country. Official estimates are that 2 million persons out of a population of 65 million are now addicts. Press reports suggest that over 100,000 persons in prison are there for drug-related reasons (see para. 23).

102. Iran also remains a major transit point for narcotics. The extent of smuggling has reportedly made soft drugs as accessible as cigarettes, especially in border cities. The efforts of the Iranian authorities to stop this traffic have been internationally recognized, but Iran is paying a high price in terms of human life and budgetary resources in this struggle. The Iranian authorities have sought regional and international cooperation, cooperation which, according to the experts, is fundamental if real success is to be achieved.

103. As pointed out by the Special Representative in earlier reports, poverty and unemployment are major factors in the rise of drug trafficking and abuse. Sistan va Baluchistan, a major transit area, is one of Iran's poorest provinces. As stated by one Tehran academic, those in the narcotics trade have few economic alternatives to smuggling. The best job for local residents in some areas is working as a guard on a drug-smuggling caravan.

104. From the demand side, addiction is increasingly seen as an illness. It is reported that this year a new Outpatient Clinic for the Treatment of Addictive Behaviour at the Zahedan Psychiatric Hospital has started experimenting with methadone treatment.

X. CONCLUSIONS AND RECOMMENDATIONS

105. The Special Representative's conclusions and recommendations are given in each section of the report. In short, the Special Representative believes that Iranian society is becoming more sensitive to the moral and practical need to move at a faster pace than heretofore towards a tolerant, diverse future that, at its core, attributes the highest value to the essential dignity of the individual.

106. In the Special Representative's view, human rights need not necessarily be seen as a system of absolute values. Instead, they can be viewed as a template for change, an engagement in a dynamic, forward-looking process. Some of the crucial elements are a benevolence of leadership, a recognition of the dignity of the individual in the political culture of the society, and the acceptance of government as just another actor before the Constitution and the courts.

107. Among many contradictions in contemporary Iran is the clearly-expressed will of the people on the one hand and the tenacious resistance to that will on the other. The Special Representative believes that Iranian society has been evolving over many years and that this momentum cannot now be turned aside. Change is inevitable. The current intransigence, which if anything has become more pronounced since the body of this report was completed, is a costly distraction but cannot be allowed to cloud the goal or the path to it.

108. The Special Representative regrets that this final report could not tell a different story, one more reflective of the President's aspirations for his country. The people of Iran certainly deserve to see, and indeed may require, the day to come when a human rights culture will flourish in this ancient soil which has contributed so much to the history of world civilization.

Annex I

THE CONCEPT OF DIYAH

"The Islamic law of personal injuries is based on the institution of diyah i.e. the Shariah compensation for death and personal injury. Diyah is a specified amount of money or goods due in cases of homicide or other injuries to physical health unjustly committed upon the person of another. Corresponding to the notion of wergeld of the ancient Roman and Germanic laws it is a substitute for the law of private vengeance .... The historical origin of the institution lies in pre-Islamic customary practice, where it was closely bound up with the tribal-based social organization of Arabia. Rested upon a tribal system, the pre-Islamic Arabia lacked any political authority, even within the individual tribe. Thus a system of private justice, based on retribution, prevailed in criminal and tort law. The system was tempered only partially by the practice of voluntary submission to arbitration."[a]

"The Islamic criminal law is for the most part based on the law of retribution ... [Crimes against the persons are] affected by the decision of the individual victim who may wish to exercise his right to retribution or alternatively decide to accept blood-money, or waive his right to either of the two penalties."[b]

"In the absence of a country agreement between the parties there is a fixed tariff for the amount of diyah."[c] The full amount of diyah is due "only where the victim is a Muslim, of the male sex and of freeborn status. The diyah of a woman is half that of a man". The diyah of a non-Muslim is at the rate of one third or one half.[d]

However, different groups seem to have different rules relating to the rate at which women or non-Muslims are compensated. For example, among certain groups the diyah of a woman even reaches four times or eight times the amount of a man's diyah.[e] "A difference of religion, however, did not bar retaliation, as Muslims and non-Muslim subjects had an equal right of self-protection. And according to the Hidaya, there is no difference between the fine for death of a Muslim and that of a non-Muslim subject."[f]

Notes

[a] S.H. Amin, *Islamic Law and its Implications for Modern World* (Glasgow, Royston Ltd., 1989) p. 309.

[b] S.H. Amin, *Islamic Law in the Contemporary World* (Glasgow, Royston Ltd.,1985), p. 28.

[c] *Implications*, p. 312.

[d] *Implications*, p. 314.

[e] *Implications*, p. 319.

[f] M. Abu-Hassan, "Islamic criminal law" in G.E. Lampe, ed., *Justice and Human Rights in Islamic Law* (Washington, D.C., International Law Institute, 1997) p. 88.

Annex II

INFORMATION ON THE SITUATION OF THE BAHA'IS

The following is based on information received by the Special Representative:

1. Mansur Haddadan (arrested on 29 February 1996 and sentenced to three years in prison), Manuchechr Ziyai (arrested on 1 May 1998) and Ziaullah Mizapanah (convicted on 16 March 1999) have now reportedly been released.

2. The death sentence of Musa Talibi, arrested on 7 June 1994 and charged with apostasy, has now been revised to life imprisonment. He has reportedly been transferred to a prison in Isfahan.

3. Other Baha'is remaining in Iranian prisons include Bihnam Mithaqui and Kayvan Khalajabadi (arrested on 29 April 1989 and sentenced to death); Dhabihu'llah Mahrami (arrested on 6 September 1995, charged with apostasy and sentenced to life imprisonment, following commutation of a death sentence by the President); Sirus Dhabihi-Muquaddam, Hidayat Kashifi Najafabadih and Ata'u'llah Hamid Nasirizadih (arrested in November 1997, sentenced to seven, five and four years' imprisonment, respectively, following commutation of death sentences in the case of the first two).

4. If the number of Baha'is imprisoned has decreased over the years, there seems to be a pattern of short-term detentions of Baha'i individuals presumably as a harassment measure. According to information received, 70 Baha'is have been arrested in various parts of the country since 1998, for periods of from five days to three months.

5. It is reported that since September 2001 in the city of Yazd three Baha'is were evicted from their properties while 13 others received court orders to vacate; one Baha'i was evicted in Isfahan and four in Tehran.

Annex III

REPRESENTATIONS CONCERNING THE STATUS OF THE AZERIS

The following is a list of specific complaints received by the Special Representative:

Denial of cultural autonomy;

Harassment and imprisonment of cultural activists;

The banning of the use of the Azeri language in schools;

The use of Farsi-Azeri hybrid, rather than pure Azeri, on television and radio;

Teaching in schools that the birth of the Iranian people came with the arrival of the Persian tribes and that the Azeri people are Iranian Aryans, forced to change their language upon the arrival of the Mongolians;

Changing or distorting Azeri geographical names;

Refusal to register a child with an Azeri name.

Annex IV

REPRESENTATIONS CONCERNING THE STATUS OF THE KURDS

The following is a list of specific complaints received by the Special Representative:

Violent deaths of individual Kurds, apparently the result of reckless or intentional acts of the law enforcement forces;

The recent kidnapping and death of a popular local cultural figure;

Death sentences imposed and in most cases carried out against Kurdish activists;

The continuing refusal of the authorities to allow Kurdish to be taught at any level in schools in Kurdistan;

The limited use of Kurdish in the print and electronic media and, even then, usually a translation of Farsi material; the air time for Kurdish programming is "drastically shorter" than it was before 1979;

Various forms of economic discrimination, including access to jobs in general; in the case of the Piranshehr Sugar Company, the discharge in May 2001 of 80 per cent of the Kurdish employees by a non-Kurdish president and their replacement by workers of other ethnicities, "and those who collaborate with the Pasdaran";

The use of Kurdish territory, particularly Kermanshah province, as a "resting place" for drug addicts, criminals and other difficult groups from around the country;

A Kurd activist in Sardasht who ran for the municipal council on a platform of improving the conditions of the Kurdish community found himself in jail four months after his election, denounced as an enemy of the Islamic Republic;

The disallowance of the election to the Majilis of two Kurds representing Orumieh and Naghade districts;

The gross underrepresentation of Kurdish districts in the Majilis, as also perhaps other districts dominated by other ethnic groups, as seen for example in the failure to add any new seats for Kurdish districts in the latest 5th Majilis redistribution.

Annex V

IMPRISONED STUDENTS

Based on information received by the Special Representative, the following students were arrested during the student demonstrations of July 1999 and continue in prison:

Mehran Abdolbaghi: a member of Iran's National Front. He is charged with acting against national security.

Ahmad Batebi: a member of the United Student Front. Charged with acting against national security for holding up the bloody shirt of a fellow student. He was first sentenced to death, but the sentence was later commuted to 10-years' imprisonment. He has allegedly been tortured and is suffering from severe backache.

Hossein Deldar: a member of the United Student Front. He has been sentenced to a 15-year term of imprisonment and is currently held at Evin.

Bahiyeh Jilani (a medical student): she has allegedly been tortured and requires urgent medical attention.

Manuchehr Mohammadi: head of the National Union of University Students and Alumni. He is charged with "acting against national security". He has been allegedly tortured and held in solitary confinement. He suffers from gum and kidney disease.

Akbar Mohammadi: brother of the above-named and a member of the National Union of University Students and Alumni. He was originally sentenced to death, but his sentence was then commuted to five years' imprisonment. He has allegedly been tortured and suffers from kidney disease and loss of hearing.

Farrokh Shafiee: a member of the United Student Front. He was sentenced to a two-year term of imprisonment.

Behrouz Javid Tehrani: currently held at Karaj prison.

Hossein Yekta: a member of the United Student Front. Currently held at Evin prison.

According to the information received by the Special Representative the following student activists have been arrested in the past two years:

Amir Abbashgholi Nejad: arrested in November 2000 and at present imprisoned at Evin.

Hassan Ghadimi and Ali Akbar Rahimi Far: members of the Democratic Front of Iranian People; arrested in April 2001.

Siavosh Haji Hassan: a member of the United Student Front; arrested in April 2001 and held in an unknown location.

Mahmoud Shoshtari: a member of the United Student Front. Under arrest since June 2000.

Rahim Ramezani: a Member of the Democratic Front of Iranian People; detained since April 2001 in an unknown location.

Mohammad Reza Kasrai: a member of the United Student Front; reportedly arrested in June 2000.

Kourosh Sehati and Saeed Kashiloo: members of the United Student Front, allegedly abducted in March 2001. Their whereabouts are unknown.

Annex VI

CORRESPONDENCE BETWEEN THE SPECIAL REPRESENTATIVE AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

June 2001-December 2001

1. By letter dated 27 June 2001, the Special Representative joined the Special Rapporteur on extrajudicial, summary or arbitrary executions in drawing the urgent attention of the Iranian authorities to the sentencing to death of Azizullah Shenwari, a 14-year-old Pakistani. Reference was also made to a report in the Iranian press on 29 May 2001 regarding the hanging of an 18-year old boy, Mehrdad Yusefi, in a prison in the south-western region of Ilam. According to the press report, he was convicted for a crime which he had committed when he was 16 years old. In the letter the signatories appealed to the Government of Iran to refrain from executing the above-mentioned person.

2. The Special Representative joined the Chairman-Rapporteur of the Working Group on Arbitrary Detention in sending an urgent appeal on 13 July 2001 on behalf of Mr. Akbar Ganji, reportedly held in detention in contravention of article 33 of the Iranian law regarding the procedure of public and revolutionary courts, which states that detention orders can be challenged within 10 days and that, under any circumstances, the position of the defendants shall be settled within one month. The signatories requested the Iranian authorities to respect the right of Ganji to a fair trial and to take the necessary measures to guarantee his physical and psychological integrity and his right not to be deprived arbitrarily of his liberty (for previous urgent actions on this case see A/56/278, annex III, para. 3).

3. In a letter dated 24 July 2001, the Special Representative drew the urgent attention of the Iranian authorities regarding the continued detention of approximately 20 members of the so-called "religious-nationalist" group, many of them associated with the Iran Freedom Movement, who were arrested on 11 March and 7 April 2001. Specific reference was made to the cases of Mohammad Maleki, Hossein Rafiee, Reza Reiss-Tousi, Habibollah Peyman, Alireza Rajai, Mohammad Basteh-negar, Massoud Pedram, Mahmoud Emrani, Taqi Rahmani, Saeed Madani, Morteza Kazemian and Mohammad Mohammadi Ardahali. Reference was also made to other intellectuals affiliated to the group who were arrested earlier, namely, Hossan Yousefi-Eshkevari, Ezzatollah Sahabi, Hoda Saber and Reza Alijani (for previous urgent actions on this case see A/56/278, annex III, para. 12). In this letter the Special Representative referred to reports that:

> No concrete evidence had been presented in support of the charges brought against the defendants and the files had not been put at the disposal of their lawyers;
>
> Temporary detention orders had been issued in disregard of the articles of the Constitution which limit the cases in which judges can resort to this measure;

The defendants had been held in continued incommunicado detention in unknown locations and had been exposed to psychological and physical pressure, including the use of drugs, to extract "confessions";

The defendants had been denied the right to the presence of legal counsel, including during and after prolonged interrogation.

4. The Special Representative expressed his deep concern over the treatment of the above-mentioned persons and urged the Iranian authorities to use all resources at their disposal to have them released. In this context, the Special Representative referred to the information provided to him on 9 July 2001, according to which Mr. Alizadeh, Chief of the Tehran Justice District had said that all the detainees were about to be released on bail. The Special Representative conveyed his urgent appeal that the commitment be honoured.

5. On the same case, the Special Representative joined the Special Rapporteur on torture in a new urgent appeal sent on 29 October 2001. The signatories expressed their deep concern over alleged denial of access to medical treatment for some of the detainees of the so-called "religious-nationalist" group. Special reference was made to the cases of Habibollah Peyman, Hashem Sabaghiyan, Hossan Yousefi-Eshkevari, Reza Alijani, Reza Reiss-Tousi, Abolfazl Bazergan and Ezzatollah Sahabi. The signatories reiterated their urgent request to the Iranian authorities to use all resources at their disposal to have these persons released immediately.

6. As the trials of the members of the "religious-nationalist" group started on 10 November 2001, the Special Representative sent a new urgent appeal on their behalf, dated 28 November 2001, in which the Special Representative expressed his concern that the trials were being held in camera and over reports that the defendants' lawyers had not had access to the files. The Special Representative urged the Iranian authorities to take all necessary steps to guarantee a fair trial to the offenders, reiterated his deep concern over the treatment they received during pre-trial detention and urged the Government to use all resources at its disposal to have the 10 detainees reportedly still being held in prison released immediately.

7. On the same case, by letter dated 27 November 2001, the Permanent Representative transmitted the following information:

"The following individuals have been released:

Mohammad Bestehnegar

Massoud Behnoud

Ahmad Sadr Haj Seyed Javadi

Morteza Kazemian

Mohammad Maleki

Mohammad Mohammadi Ardehali

Taher Ahmad Zadeh

Masoud Pedram

Hossein Rafiee

Mahmoud Emrani

Ali Reza Rajai

Other cases, including that of Mr. Ezzatollah Sahabi, are currently subject to review in the relevant court."

8. In a letter dated 9 August 2001, the Special Representative joined the Special Rapporteur on violence against women in requesting information from the Iranian authorities concerning the case of Soraya Dalaian who, according to her personal testimony, was repeatedly raped by two men during her stay in Evin prison in 1997. According to her report, women were systematically subject to rape by judges and high-ranking officials of Evin prison.

9. In the same letter, the signatories expressed their deepest distress over the execution by stoning of Maryam Ayoubi on 11 July 2001 and urged the Iranian authorities to undertake a policy of actively suppressing recourse to stoning throughout the country (see A/56/278, annex III, para. 6).

10. By letter dated 9 November 2001, the Permanent Representative transmitted the following information regarding the case of Soraya Dalaian:

> "The aforementioned person was arrested and sentenced to imprisonment on 10 November 1997 for illegally standing financial bail and was released on 8 January 1998. Once again she was sentenced to imprisonment for buying and selling property belonging to others on 28 April and was released on 3 May 1998. She was also sentenced to imprisonment on 2 August 1998 on the charges of drawing a dishonoured cheque and presenting forged documents to the police of the Passport Division. She was released on 23 September 1998 on bail.
>
> "Therefore her conviction has no political overtones whatsoever in any of the cases mentioned."

11. The Special Representative joined the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions in sending an urgent appeal on 3 September 2001 regarding the wave of public hangings and street floggings. The signatories appealed to the Iranian authorities to exercise their authority so that the cases of all persons under sentence of death were reviewed in order to ensure strict compliance with international human rights standards. They expressed their concern regarding the application of corporal punishments

which entail torture, such as flogging, and which are incompatible with international instruments. They also expressed their view that public application of such punishments was incompatible with human dignity and condemned this practice as a means of public education.

12. In a letter dated 30 September 2001, the Special Representative and the Special Rapporteur on torture further referred to the reported public flogging of five young males, aged between 14 and 25, on 7 September 2001 in the town of Shandiz and reiterated the concerns expressed in their previous letter.

13. In a letter dated 18 September 2001, the Special Representative joined the Special Rapporteur on freedom of opinion and expression in drawing the Iranian authorities' attention to the verdict issued on 27 August by the Supreme Court upholding the sentences of Khalil Rostam-Khani and Saeed Sadr. Both translators were arrested and imprisoned for eight years in connection with their participation in a conference in Berlin in April 2000. The signatories appealed to the Iranian authorities to provide the assurance that the right of Khalil Rostam-Khani and Saeed Sadr to freedom of opinion and expression, and their right not to be detained for seeking to exercise that right would be respected.

14. The letter referred to the fact that the Special Representative was informed in April 2001 by a senior Iranian judge that no one was being tried merely for attending the Berlin Conference, but on other pending charges. He was later assured by a senior Iranian Judiciary official that legal action was under way to vacate all the convictions concerning participation in the Berlin Conference (see A/56/278, annex III, para. 3).

15. In a letter dated 25 September 2001, the Special Representative joined the Special Rapporteur on torture in drawing the Iranian authorities' attention to the case of Abbas Amir Entezam, who had been diagnosed with a severe prostate infection and scrotal oedema and was reportedly denied urgent medical treatment. Mr. Entezam was given a one-month temporary release from Evin prison shortly after, but was transferred back to the prison on 21 October despite a recommendation from the State physician that he should continue to receive medical treatment at home. Consequently, the Special Representative sent a new urgent appeal on 28 November 2001 appealing to the Iranian authorities to ensure that the right to physical and mental integrity of Mr. Entezam was protected.

16. On 18 October 2001, the Special Representative joined the Special Representative on human rights defenders and the Special Rapporteur on the independence of the judiciary in sending an urgent letter concerning the arrest and trial of Mr. Nasser Zarafchan, a human rights defender and a lawyer who was reportedly accused of having revealed irregularities in the sentence issued by a military tribunal in January 2001 concerning the murders of intellectuals in 1998, whose families he represented. The signatories referred to the Basic Principles on the Role of Lawyers and requested further information (see A/56/278, annex III, para. 5).

17. By letter dated 28 November 2001, the Special Representative drew the urgent attention of the Iranian authorities to the case of Akbar Mohammadi and Manuchehr Mohammadi. Both were arrested during the student demonstrations in Tehran in 1999 and according to the information received had started a hunger strike to protest their imprisonment and inhumane

treatment. The Special Representative expressed his concern that Manuchehr Mohammadi had been transferred to solitary confinement over the threats he had received from his jailer, and appealed to the Iranian authorities to ensure that his right to physical and mental integrity was protected.

18. On 4 December 2001, the Special Representative drew the urgent attention of the Iranian authorities to the reported disappearance of Siamak Pourzand on 24 November 2001. The Special Representative appealed to the Iranian authorities to seek clarification of the circumstances, with a view to ensuring that the right to physical and mental integrity of Mr. Pourzand was protected.

19. On the same date, the Special Representative referred to the cases of Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi, two members of the Baha'i community who were arrested in April 1989 and sentenced to death on 8 December 1993 by the Islamic Revolutionary Court of Tehran. On humanitarian grounds, he appealed to the Iranian authorities to use all the means at their disposal to release the above-mentioned persons, who were convicted solely for their membership in the Baha'i faith and who had been in prison for the last 12 years.